A E J Campbell

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#0005 P.001/009

Application/Control Number: 10/603,235

APR 1 3 2010

page 1 of 9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/603,235

Confirmation No. 5606

5 Applicant

James A. Lesch, Jr.

Filed

June 24, 2003

TC/A.U.

3752

Examiner

Patrick F. Brinson

10 Docket No.

NWK1581

Customer No.

30245

15 Commissioner for Patents

P.O. Box 1450

Supplemental Information to a Petition under 37 CFR 1.137(b)

Assistant Commissioner for Patents

Box Petitions

25 P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

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This information is supplemental to a petition filed September 28, 2009, currently pending. The pending petition under 37 CFR 1.137(b) was filed after a petition under 37 CFR 1.137(a), filed 11/1/2006, and renewed 7/20/2007, 5/19/2008 and 12/12/2008, was denied. Applicant's counsel

A E J Campbell

RECEIVED #0005 P.002/009

Application/Control Number: 10/603,235

APR 1 3 2010 page 2 of 9

again states that the abandonment of this application was unintentional due to the non-receipt of the Notice of Allowance dated September 28, 2005. Upon further review of assertions made by the Patent Office in denials of the prior petitions filed, Applicant enters the following statements into record.

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Application was filed by Customer Number; OIPE did not link Application to Customer Number

The Office has noted that in both the declaration and the transmittal letter submitted on filing the application, practitioner specified Customer Number 30245. However, the Office is incorrect in its assertion that the Office properly selected the Customer Number at the time of filing. Rather, the Office improperly entered the practitioner's address at the time of filing, despite both 37 CFR 1.33(a) and the clear indication, by check box, that the Customer Number be selected by OIPE. Unfortunately, such a selection contrary to both clear selection by a practitioner and 37 CFR 1.33(a) is not an uncommon experience. To wit, this practitioner has had to file several other petitions on the same basis, has provided multiple examples of this procedure not being followed, and has requested that the Office correct and reinstate all of the outstanding issues in connection with this filing. All of the applications were filed using a customer number, but none are visible to the counsel in private PAIR. Despite several requests to reinstate the above-list of applications, the Office has not reinstated any of the cases.

A copy of the original transmittal page follows:

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Or in an Application Data Sheet under 37 CFR 1.78: Curdinate: Thinkwell Demandation per (617) or pror application, from which are call for declaration is supplied to CONTINUATION OR ENVISIONAL APPS only: The entire disclosure of the prior application, from which are call or declaration is supplied to Box 50, to considered a part of the disclosure of the accompanying continuation or divisional supplication and is benefity intemporated by refer the incorporation can only be relied upon whom a portion has been involved from the subprished application parts. 19. CORRESPONDENCE ADDRESS Compressioned accession of the Continuation of the prior application, from which are call for declaration in discount and is benefit of application parts. 19. CORRESPONDENCE ADDRESS Compressioned accession of the continuation of the prior application, from which are call for declaration and is benefit of the prior of the	1	6. Application Date	9 Shest, See 37 CFR 1.76	(mm
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page 4 of 9

Note that this transmittal page clearly shows that the customer number box is selected.

Next, a copy of a Notice of Allowance mailed for this Application is provided:

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APR 1 3 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMPIERCE
United States Patres and Producers Office
Annual COMMISSIONER FOR FAILURE
FILE BACKER PARTMENT STATEMENT
PRODUCES THE STATEMENT
CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE

Anthony Edw. J Campbell 5721 Northridge Orive Dallas, TX 75214-3156

EXAMENTE
BRINSTEL PATRICK F

ART INST PAPER NUMBER
1754

DATE MAILED: 06/28/2005

APPLICATION NO. FILING DATE			ATTORNEY DOCKET NO. CONFIRMATION NO	
10/603,235	06/24/2503	James A. Lendi JR.	MWK 1581	560 6

TITLE OF INVENTION: INSULATED PIPE CONCEALER

APPLN. I YPE	Small entity	esceter	Putilication Feb	Total Ferit dis	DATE DUE
sospravicional	YES	\$700	\$5	1700	69/23/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1-313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

. :-

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B-Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FRE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Port B · Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shows above.

IL PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Undernath Office (USPTO) with your ISSUE FEE and PUBLICATION FRE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or offer Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 12/04) Approved for the theory a 04/09/2007.

page 6 of 9

It is requested that the Office examine the address block that is circled, and further examine the address blocks of all Notices of Allowance that were mailed to Petitioner in this case, and also examine all address blocks of all cases previously recited by Petitioner as not being properly linked to his Customer Number.

In dismissing the Petition under 37 CFR 1.137(a) in this case, the Office stated:

In both the declaration and transmittal letter submitted on filing the application, the practitioner specified Customer Number 30245, as well as the typed correspondence address of 6721 Northridge Drive, Dallas, Texas 75214-3156. Therefore, in keeping with 37 CFR 1.33(a), the Office selected the address associated with the Customer Number over the typed correspondence address.

However, this assertion is incorrect, as shown by the address block. In the case of an address block linked to a Customer Number, the Customer Number appears in the address block. In the month of July 2003, after the Attorney for Applicant changed the address linked to his Customer Number, the following Notices of Allowance were sent to the counsel at updated Customer Number address of PO Box 160370, Austin TX 78716:



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Private and Trademark Office stlere COMMINISTER FOR PATENTS ET ROVID ANABOLISMIN 200-100-100

NOTICE OF ALLOWANCE AND FEE(S) DUE

ANTHONY EDW. J CAMPBELL PO BOX 1602/0 SUSTIN, TX 75716

EXAMINEX

VORSON, BRIAN N

ART UNST CLASS-SUBCLASS

7911 D00-31-5080

DATE MAILED-OTHEROOT

APPLICATION NO.	FITANG BATTE	FIRST NAMED INVESTOR	ATTORNEY DOCKET NO.	CONFIRMATION (40)
29/176,313	92-200000	Raicetta Franct	YORIUS	2471

PAGE 7 of 9
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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF CAMBERSUS United States Policies and Tradesia of UTiline Andrew (CAMBESTONES POR PATENTIA America (National DUSSES) America (National DUSSES)

NOTICE OF ALLOWANCE AND FEE(S) DUE

NOAS BRE #71/286)
ANTHONY P.D.W. J. CAMPBELL
BO BOX 460370
AUSTIN, TX 78716

EXAMINER

BAYNHAM, HOLLY H

ARTURIE CLASS-RIBALIASE

DATE MAILSEE OWITHING

APPLICATION NO. SELECT DATE FIRST NAMED INVENTOR ATTORNEY DIGITAL CONFERNATION NO.
28(58,906 03)08/2022 Dogs. I. Marcons Linyay \$654



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United States Patent and Trademark Office

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NOTICE OF ALLOWANCE AND FEE(S) DUE

ANTHONY EDW. J CAMPBELL PO BOX 166570 AUSTIN, TX 78716

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ART ONT CLASS-SUBALASS

3744 OCCAMBE

DATE MAILED: 07/10/2003

| APTICATION NO. | PILESO DATE | PIRST NAMED DEVENTOR ATTORNEY DOCKLEYNO, CUMPRIATION NO. | 10/369/481 | 62/36700) | Hotes M. George | LENDAS | 7256

Again, it is requested that the address block be examined. Petitioner also encourages the Office to review other Notices of Allowance mailed to Customer Number 30245 and not subsequently returned to the Office during the last two quarters of 2003, the calendar year 2004, the calendar year 2005, and the first quarter of 2006. In the case of all address blocks correctly linked to the proper Customer Number of the Attorney of Record, the Customer Number (30245) is printed above the first name of the Attorney. This is circled in all of the examples shown. As previously shown, the Customer Number did not appear in the address block of the Petitioner's Application. Therefore, the Customer Number was not properly linked to the Application.

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Application/Control Number: 10/603,235

page 8 of 9

PTO made no effort to correct address.

Where an Office Action is returned as undeliverable, the Office must make an attempt to ascertain the correct address and re-mail the Office Action, with the period being reset with the date of re-mailing. Note In re Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924). There is no evidence in the file record that the Office ever attempted to ascertain the correct address and re-mail the Notice of Allowance, which is contrary to the Office's own procedures. See MPEP 707.13. The record shows that on 11/4/2004, 1/25/2005, 7/11/2005 and 6/12/2006, mail sent by the Patent Office was returned as undelivered. [The 11/4/2004 return appears to be incorrectly logged as a miscellaneous incoming letter.] All undelivered mail that was returned was sent to the same address, and there is no evidence that the Office ever attempted to correct the address. However, the record also shows that in a Notice of Allowability dated 1/12/2005 and subsequently returned to the Patent Office, the Examiner had conducted a telephone interview with the attorney for the Applicant on January 3, 2005. Therefore, it is evident that the Office could readily reach the Applicant's attorney via phone to verify his address, but, contrary to its procedures, the Office did not attempt to ascertain the correct address. The Office could have ascertained this information by checking its attorney roster, Customer Number information or telephoning the Applicant's attorney on any of the four separate occasions when this step should have been performed.

Based on the evidence of record and the long path of this petition, it is believed this petition and the petition prior to it should be treated as falling under 37 CFR 1.181(a), wherein no petition fee is required. The same evidence applies to the other applications enumerated in Table 1 of the petition document filed 9/28/2009, and those should also be reinstated without additional fee. In addition, any petition fees paid should be refunded, an action which is hereby requested.

page 9 of 9

In conclusion, counsel for petitioner respectfully requests that the patent be issued in this case and all other applications be reinstated.

Respectfully submitted,

Anthony Edw. J Campbell

Reg. No. 39,619 Customer No. 30,245 Phone 512/306-0321 Attorney for Applicant

Date: April 13, 2010

Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

Anthony Edw. J Campbell

Tuesday, April 13, 2010

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